

MAY 20 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JINYI YANG,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-71151

Agency No. A094-998-077

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 13, 2015**

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

The government's motion to lift the stay of proceedings is granted.

Jinyi Yang, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal. We have

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings. *Jiang v. Holder*, 611 F.3d 1086, 1091 (9th Cir. 2010). We deny the petition for review.

Yang's only challenge to the agency's denial of his asylum and withholding of removal claims is his contention that he suffered past persecution on account of his "other resistance" to China's family planning policies. Substantial evidence supports the agency's conclusion that Yang did not show that he engaged in "other resistance." *See He v. Holder*, 749 F.3d 792, 796 (9th Cir. 2014) (record did not compel finding of "other resistance" where petitioner did not show "overt and persistent defiance") (internal quotations and citation omitted). Thus, we deny the petition for review as to Yang's asylum and withholding of removal claims. *See id.* at 794.

PETITION FOR REVIEW DENIED.